

*Draft*

SEP. 30. 2002 12:28PM

NIXON PEABODY LLP 5852631600

NO. 6587 P. 1

**Nixon Peabody LLP**

Attorneys at Law

Clinton Square  
P.O. Box 31051  
Rochester, New York 14603-1051  
(585) 263-1000

Fax: (585) 263-1600

**PRIVILEGE AND CONFIDENTIALITY NOTICE**

The information in this fax is intended for the named recipients only. It contains privileged and confidential matter. If you have received this fax in error, please notify us immediately by a collect telephone call to (585) 263-1000 and return the original to the sender by mail. We will reimburse you for postage. Do not disclose the contents to anyone. Thank you.

**FAX**

To:	Company	Fax #:	Telephone #:
1) Examiner B.L. Sisson/Art Unit 1634	USPTO	703-746-5020	703-308-3978
2)			
3)			
4)			
5)			

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Michael L. Goldman	Date: September 30, 2002	No. of Pages: 3 (including this page)	200701/1061
<b>Comments:</b> U.S. Patent Application Serial No. 09/757,992, filed January 10, 2001 for DETECTION OF SINGLE NUCLEOTIDE POLYMORPHISMS claiming priority of Provisional Application Serial No. 60/179,844, filed February 2, 2000 Inventors: Schultz et al. Nixon Peabody Reference No: 200701/1061			
Dear Examiner Sisson:			
As we discussed, enclosed are my proposed claim changes in response to the outstanding office action for Serial No. 09/757,992. Please review them and let me know what you think.			
Michael L. Goldman (585)263-1304			

Original of the transmitted document will be sent by:

☐ First Class Mail

☐ Overnight Mail

☐ Hand Delivery

☐ This transmission will be the only form of delivery of this document

**IF YOU DO NOT RECEIVE ALL OF THESE PAGES, PLEASE CONTACT THE FAX OPERATOR AS SOON AS POSSIBLE AT: (585) 263-1660 or 263-1000 (ext. 1660). THANK YOU.**

Received from <716 263 1600> at 9/30/02 12:30:21 PM [Eastern Daylight Time]

TX#0

**DRAFT**

Please amend claims 1, 18, and 20 as follows:

1. (Amended) A method of detecting single nucleotide polymorphisms comprising:
- providing a target nucleic acid molecule;
  - providing an oligonucleotide primer complementary to a portion of the target nucleic acid molecule;
  - providing a nucleic acid polymerizing enzyme;
  - providing a plurality of types of nucleotide analogs;
  - blending the target nucleic acid molecule, the oligonucleotide primer, the nucleic acid polymerizing enzyme, and the nucleotide analogs[, each type being present in a first amount,] to form an extension solution where the oligonucleotide primer is hybridized to the target nucleic acid molecule to form a primed target nucleic acid molecule and the nucleic acid polymerizing enzyme is positioned to add nucleotide analogs to the primed target nucleic acid molecule at an active site;
  - extending the oligonucleotide primer in the extension solution by using the nucleic acid polymerizing enzyme to add a nucleotide analog to the oligonucleotide primer at the active site to form an extended oligonucleotide primer, wherein the nucleotide analog being added is complementary to the nucleotide of the target nucleic acid molecule at the active site;
  - [determining] measuring the amounts of each type of the unreacted nucleotide analogs remaining in the extension solution after said extending[, each type being a second amount];
  - comparing the [first and second] amounts of each type of the unreacted nucleotide [analog] analog remaining in the extension solution after said extending to the amounts of each type of the nucleotide analogs in a control sample which did not undergo said step of extending;
  - and
  - identifying the type of nucleotide analog [where the first and second amounts differ] which is present in the extension solution after said extending in an amount less than in the control sample as the nucleotide added to the oligonucleotide primer at the active site so that the nucleotide at the active site of the target nucleic acid molecule is determined.

18. A method according to claim 3 further comprising:

R617760.1

Received from &lt;716 263 1600&gt; at 9/30/02 12:30:21 PM [Eastern Daylight Time]

- 2 -

evaporating [water from] the extension solution[, leaving] to leave a [residue]  
residual material and [sonicating] reconstituting the [residue] residual material in water after said  
extending and before the electrospraying.

20. A method according to claim 1 [further comprising:  
amplifying] , wherein said providing a target nucleic acid molecule comprises:  
providing the target nucleic acid molecule [by] in a sample and  
subjecting the sample to a polymerase chain reaction [prior to said blending] to  
amplify the nucleic acid molecule.

12:30 PM 9/30/02 Transmission Record  
Received from remote ID "716 263 1600"  
Unique ID: "BSI3D9844095E12"  
Elapsed time: 1 minutes, 10 seconds.  
Used channel 2.  
No ANI data.  
No AOC data.  
Resulting status code (0): No Errors  
Pages sent: 1 - 3